

ADVISORY COMMITTEE ON NOMINATIONS OF JUDGES

QUESTIONNAIRE

A. Nomination process

- 1. The Statute requires every candidate for election to the Court to have established competence in criminal law and procedure, and the necessary relevant experience, whether as judge, prosecutor, advocate or in other similar capacity, in criminal proceedings or established competence in relevant areas of international law such as international humanitarian law and the law of human rights, and extensive experience in a professional legal capacity which is of relevance to the judicial work of the Court.**

Could you please describe your experience and competence in the areas specified below? For how long? In which capacity? (par. 2.2 of the Guiding Principles on National-level Procedures for Nominations of Judges of the International Criminal Court)

- a) A graduate and postgraduate legal education, recognizing assets of the postgraduate studies and specialization in the legal fields relevant for the work of the Court;
- b) Professional activities in relevant capacities such as judge, prosecutor, advocate, legal scholar or similar;
- c) Proven experience in dealing with complex criminal cases;
- d) Relevant international experience of the candidate, namely of his/her involvement in the broader field of international justice;
- e) Proven ability to work effectively with diverse and multicultural environment;
- f) Proven expertise and experience in the specific issues including but not limited to violence, discrimination, sexual assaults, or other similar conduct, inflicted on women and children;
- g) Proven knowledge of the main provisions of the Rome Statute and of the jurisprudence of the Court;
- h) Familiarity with the hybrid procedure governing the Court;
- i) Proven knowledge of the organization and functioning of the Court;
- j) Practical skills, including excellent knowledge of and fluency in at least one of the working languages of the Court.

I graduated with a Masters' Degree in law from the University of Copenhagen in January 1995. I have more than 30 years of experience in the Danish legal system, including senior positions both in the Judiciary, the Ministry of Justice, the National Police and Prosecution services. Since 1995, I have been an external lecturer in the Law of Evidence and Witness Examination at the University of Copenhagen and thus have special expertise and practical experience in the area of evidence and its role in trials.

As Head of Department in the Danish Ministry of Justice, I was the Chair of inter-ministerial working groups on implementation of EU legislation and responsible for coordinating initiatives in the fields of criminal law and policing during the Danish EU Presidency in the second half of 2002.

As a Deputy Police Director from 2007 to 2011, I participated in an international programme organized by civil society partner Dignity, focusing on the prevention of torture in Jordan.

In 2012, I was the Chair of the EU working group on information exchange and data protection during the Danish EU Presidency, collaborating with colleagues from all then 27 EU Member States.

From 2023 to 2024, I chaired the Danish Expert Committee mandated to analyse Danish legislation and propose legislative amendments concerning the independent criminalisation of war crimes and other international crimes in the Danish Penal Code in accordance with the Rome Statute and make a recommendation on Ratification of the Amendments to the Rome Statute on the Crime of Aggression, providing me with the requisite level of competence in relevant areas of public international law, international criminal law and in the organization and functioning of the Court. As Chair I was responsible for the committee's legal analysis, drafting work, and preparation of legislative proposals which were subsequently taken onboard by Government and passed by a broad majority in parliament. I was also responsible for the committee's interactions with various ministries and national authorities as well as the dialogue with Danish and international civil society.

As President of the Danish Association of Judges since 2024, I represent all Danish Judges, from the entry level up to the Supreme Court, in matters that involve or affect the Danish Judiciary. In addition, I am very active in both the European and the International Association of Judges (EAJ and IAJ), co-chairing the Working Group on Salaries and Pensions and member of the Working Group on Ways to Brussels (EAJ), as well as being the Vice-President of the Fourth Study Commission (Public and Social Law, IAJ).

As judge since 2015 and High Court Judge since 2019, I have delivered judgements in all categories of criminal cases, including terrorism, organised and cross-border crime, cybercrime, rape, homicide, deprivation of liberty, serious violence (including against women and children), and cases concerning the lawfulness of police use of force as well as adjudication of a large number of cases involving interpretation and application of the European Convention on Human Rights, EU law, and the UN Convention on the Rights of the Child.

I have extensive courtroom experience, as Presiding Judge, in complex and highly technical evidentiary assessment in comprehensive, sensitive and complex cases involving specialized investigations and prosecutors. I have comprehensive experience managing such cases successfully as well as the needs and expectations of witnesses and victims. I am a strong consensus-builder and team-player, putting the integrity and legal quality of the court's work first.

As Presiding and Deputy Presiding Judge I also am responsible for case management, conducting preliminary hearings, and managing legal processes to ensure efficient progression as well as administrative duties such as approving final court orders and managing cases both in court and in chambers. My duties furthermore include ensuring fairness, maintaining courtroom order, and providing leadership within the judicial system to ensure the efficient dispatch of business. As a senior High Court Judge, I have a strong track record regarding the efficiency and effectiveness of courtroom procedures.

I have special expertise and practical experience regarding violence against women and children and in working with witnesses, survivors, and victims of sexual and gender-based violence having worked on numerous cases in this area both as a prosecutor, and as a judge. Since May 2024, I have trained senior and specialised prosecutors and investigators in the field of complex domestic violence and abuse as well as rape, including methods of interviewing and assessing the credibility of vulnerable and traumatised victims.

I have an excellent command of both written and oral English and extensive professional experience of working in English.

- 2. Have you ever been investigated for, charged with, or otherwise been the subject of any disciplinary, administrative, civil or criminal proceedings involving allegations of corruption, criminal or administrative negligence, misconduct, including sexual harassment, or any matter calling into question your professional or ethical standing? If yes, please provide full details, including any determinations or outcomes.**

In 2013, when I was Director of Administration in the Danish Security and Intelligence Service (PET), the representatives for the Police Union at PET made a complaint to the Ministry of Justice in relation to my execution of my managerial tasks. It concerned alleged misconduct in relation to a decision on a bonus payment to my Chief of Staff and inaction in response to alleged misconduct of my superior, the Director General.

The complaint did not involve allegations of corruption or sexual harassment.

The Police Union at PET simultaneously made complaints about the Director General and the Director of Legal Services.

No disciplinary proceedings were initiated. The complaint was examined by both the Ministry of Justice and the Independent Police Complaints Authority that handles complaint cases involving police personnel. Both the Ministry of Justice and the Independent Police Complaints Authority dismissed the complaint against me as unfounded.

I have not before or since been the subject of any disciplinary, administrative, civil or criminal proceedings.

B. Perception of the Court

1. What is your vision of the International Criminal Court and its dual nature as a court and an international organization? How do you see the main differences between the ICC and the two *ad hoc* Tribunals for the former Yugoslavia and for Rwanda?

My vision of the International Criminal Court is for it to be central in a larger system of international and national efforts to fight impunity and a court of last resort that ensures accountability where national systems are unable or unwilling to do so.

A court that is respected for its integrity, impartiality and highest degree of professionalism as well as a court with effective management of proceedings that ensures proper administration of justice and is able to attract and keep highly competent staff. A court that is respected by member states and non-member states; by victims and survivors.

The Court as a judicial institution must be independent, but as an international organisation, it is also shaped and governed by States Parties. My vision of the ICC as a court is that it is able to effectively fulfill both the role as an independent court and an international organisation.

The ICC builds on the legacy and pioneering work of the two *ad hoc* tribunals established by the UN Security Council. There are many differences between these institutions, but main distinctions include that the ICC is a permanent court which is governed by its 125 Member States (and not the Security Council); that the ICC is not limited to two specific situations; that the ICC's jurisdiction includes the crime of aggression and that the ICC has a complementary relation to domestic judicial systems (and not one of primacy).

2. What would be the main criticisms you are aware of in relation to the Court's proceedings?

Notwithstanding their respective validity, I would point to the following main criticisms, I am aware of in relation to the Court's proceedings:

- 1) the low number of convictions since 2002
- 2) the slow pace the Court is working at
- 3) uneven practices and double-standards in addressing different country situations and relevant actors
- 4) (previously) a disproportionate focus on Africa
- 5) the lack of impact, including the weak enforcement of arrest warrants
- 6) the Court's case-law on specific legal issues
- 7) too much or inefficient victim participation and a too little/large focus on victim rights; a mismatch between the theory and reality of reparations
- 8) the Court's role vis-à-vis peace processes
- 9) reports of poor workplace culture inside the Court.

3. Do you have any suggestions on changes that could be proposed in order to improve the perception of the Court in the eyes of the international community?

In my view, it is vital for any court to be perceived as delivering justice and bearing in mind that justice must not only be done, but must also be seen to be done. The way

forward to improving the perception of the Court in the eyes of the international community in my view involves several ways forward focusing on the one hand on building a stronger Court from within and on the other hand on the relationship and communication with relevant stakeholders and the international community in a broader sense.

With regard to building a stronger Court from within, these initial points come to mind:

- Further develop a consistent, sound and credible range of activities and jurisprudence;
- Build a more cohesive organizational culture;
- Strengthen collegiality and emphasize the importance of deliberations;
- Increase the pace of proceedings and focus on procedural rules and steps that make proceedings more efficient and transparent;
- Improve workplace culture;

With regard to the relationship and communication with relevant stakeholders and the international community in a broader sense, I would initially point to the following:

- increased dialogue with other international courts and legal professionals in national or international jurisdictions, e.g., the International Court of Justice;
- More openness to and discussion of new ideas and suggestions of improvements to effectively implement the mandate of the Court such as procedural enhancements;
- Increased communication with Member States, non-Member States and victims communities;
- Ensuring a better geographical representation within the Court.

4. Which are, in your view, the most important decisions issued by the Court in the past years, that have had an important impact in relation to its perception *vis-à-vis* the States Parties and the public? Could you give and explain at least one positive and one negative example?

It is to be expected – and accepted – for international courts that their decisions are the subject of close scrutiny by both states, academia and other stakeholders. Also national courts share this experience which as such is and should be part and parcel of the democratic discourse in any society based on the rule of law. This scrutiny is the more true for the ICC, as its decisions pertain to matters of grave international and national importance, often touching on highly sensitive and political matters. Therefore a number of decisions could be mentioned as examples relevant to this question.

As example for a negative impact on the Court's perception *vis-à-vis* States Parties and the public, reference could be made to the ICC's reparation orders. For example, in February 2024, the Court awarded reparations amounting to more than 52 million Euros to victims of former LRA leader Dominic Ongwen. This ruling came more than twenty years after the Court had started investigating the atrocities committed in Northern Uganda, illustrating how long time justice can take to be delivered. The Court held that Ongwen was indigent and pointed to the Victims Trust Fund to pay out the reparations to the extent possible – a trust fund which never in its existence had been given an annual budget of that dimension or been able to raise such funds. Consequently, the Court's decision simultaneously piqued and disappointed the

expectations of more than 49,000 victims that had registered in the Ongwen case and of the wider affected communities in Northern Uganda; the decision put the Trust Fund in a nearly impossible position to implement the 52 million Euros announcement, potentially undermining its standing, and it left States Parties to address these issues without clearly addressing them.

In terms of positive impact, the judgment in the very same Ongwen case comes to mind. Here, prior to the reparations order, the Court, amongst others, held for the first time that forced marriage and forced pregnancy could constitute distinct crimes against humanity. This finding was an important recognition of the specific violence and suffering experienced by victims in Northern Uganda and therefore welcomed in many places and among victims and survivor. The decision led in my country to the adaptation of the relevant draft legislation amending the Danish penal code to include relevant acts as separate crimes against humanity, demonstrating the impact the Court can have with its decisions far beyond the relevant situation countries.

C. Judge's independence

- 1. What in your view should be the relationship between a Judge and the authorities of his or her country of origin? Similarly, how do you envisage your future relationship with bodies such as universities, courts or non-governmental organizations with which you have been involved or to which you have been affiliated, if elected to the ICC?**

Pursuant to article 40 of The Rome Statute, the Judges shall be independent in the performance of their functions and shall not engage in any activity which is likely to interfere with their judicial functions or to affect confidence in their independence. Judges required to serve on a full-time basis at the seat of the Court shall not engage in any other occupation of a professional nature.

As stated in the ICC Code of Judicial Ethics, Judges shall be impartial and ensure the appearance of impartiality in the discharge of their judicial functions. Judges shall avoid any conflict of interest, or being placed in a situation which might reasonably be perceived as giving rise to a conflict of interest. Judges shall conduct themselves with probity and integrity in accordance with their office, thereby enhancing public confidence in the judiciary. Judges shall not engage in any extra-judicial activity that is incompatible with their judicial function or the efficient and timely functioning of the Court, or that may affect or may reasonably appear to affect their independence or impartiality.

With regard to extra-judicial activity, Judges shall not engage in any activity that is incompatible with their judicial function or the efficient and timely functioning of the Court, or that may affect or may reasonably appear to affect their independence or impartiality. Judges shall not exercise any political function.

As also stated in the Universal Charter of the Judge adopted by the International Association of Judges in 2017, article 6, in the performance of the judicial duties a Judge must be impartial and must so be seen. The Judge must perform his or her duties with restraint and attention to the dignity of the court and of all persons involved. A Judge must thus refrain from any behaviour, action or expression of a kind effectively to affect confidence in his/her impartiality and independence and must not carry out

any other function, whether public or private, paid or unpaid, that is not fully compatible with the duties and status of a Judge. He/she must avoid any possible conflict of interest.

The Ethical Principles for International Criminal Judges similarly states that International Criminal Judges shall be independent and impartial and shall ensure the appearance of independence and impartiality in the discharge of their judicial functions. Accordingly, International Criminal Judges shall avoid any activity which is likely to interfere with their judicial functions or cast a doubt on their independence and impartiality. They shall avoid any situation of conflict of interest including being placed in a situation which might reasonably be perceived as giving rise to a conflict of interest.

With regard to interactions with State representatives, International Criminal Judges should exercise caution and in particular when deciding whether to attend events organized, sponsored or cosponsored by States that may have an interest in a pending case or investigation or one likely to become so.

With regard to interactions with NGOs and other personal or professional relations, International Criminal Judges should not be members of, participate in the governing body of and/or participate in activities organized, sponsored or cosponsored by organizations engaged in activism, litigation or making national or international submissions if it may create a situation of conflict of interest. International Criminal Judges should be aware that there may be a perception of a lack of impartiality when those with whom they have close personal or professional relationships have a public profile relevant to issues before the tribunal. International Criminal Judges should not develop any professional, commercial or business activity or any other activity, including fundraising, that may create a situation of conflict of interest.

As a Judge for more than 11 years, I adhere to those standards and principles and as provided for in article 45 of the Rome Statute and rule 5 (1) (a) of the Rules of Procedure and Evidence, if elected, I will perform my duties and exercise my powers as a Judge of the ICC honourably, faithfully, impartially and conscientiously. Within this framework, and based on my experience as president of the Danish Association of Judges and as Danish High Court judge, I see it as part and parcel of my function as senior representative of the judiciary to engage on ongoing basis in dialogue and communication with State representatives, NGOs, other judges and legal professionals and stakeholders of the court and community I serve.

2. In your view, can a Judge participate in a trial involving a national from his or her country of origin? Why?

ICC Judges must be fully independent of states.

As outlined above and as stated in the Rome Statute and the Code of Judicial Ethics, a Judge must always be independent and impartial and shall ensure the appearance of independence and impartiality in the discharge of his or her judicial functions. Judges shall avoid any conflict of interest, or being placed in a situation which might reasonably be perceived as giving rise to a conflict of interest.

The Rome Statute does not contain provisions explicitly disqualifying a Judge based solely on their nationality and an impartial and independent Judge decides matters before him or her based solely on the facts and applicable rules of the matters in question. I am also aware that different international criminal tribunals as well as the ICC have held that the national identity of the Judge does not as such impact his or her ability to participate in a case involving a national from their country of origin. However, in my opinion and in view of the nature of the cases before the Court and the often highly politicised context of these cases, to ensure that the impartiality of a Judge cannot and will not be put in to question, a Judge – insofar as this is possible – should not participate in a trial involving a national from his or her country.

3. Which jurisprudence/decisions do you consider necessary, useful and appropriate to be considered during proceedings at the ICC? From national courts? From international courts? From Human Rights bodies?

If elected, I will of course apply the rules in the Rome Statute.

Article 21 (1) sets out the applicable law before the Court and states that The Court shall apply in the first place, the Statute, Elements of Crimes and its Rules of Procedure and Evidence, and in the second place, where appropriate, applicable treaties and the principles and rules of international law, including the established principles of the international law of armed conflict. Failing that, it follows that the Court shall apply general principles of law derived by the Court from national laws of legal systems of the world including, as appropriate, the national laws of States that would normally exercise jurisdiction over the crime, provided that those principles are not inconsistent with the Statute and with international law and internationally recognized norms and standards.

According to article 21 (2) the application and interpretation of law pursuant to this article must be consistent with internationally recognized human rights and be without any adverse distinction founded on grounds such as gender as defined in article 7 (3), age, race, colour, language, religion or belief, political or other opinion, national, ethnic or social origin, wealth, birth or other status.

At the same time, the ICC is part of the international legal order and of a larger system to fight impunity for atrocity crimes. Where relevant, ICC Judges should carefully consider case-law of other courts, e.g., the International Court of Justice, international criminal tribunals, and regional human rights courts, bearing in mind the nature and role of such courts.

4. In your view, what should be the approach of an independent Judge when faced with precedents established by the Appeals Chamber of the Court?

Article 21 (2) states that The Court may apply principles and rules of law as interpreted in its previous decisions.

A coherent and well-reasoned jurisprudence is important for the credibility and perception of the ICC as a universal Court and institution.

As an independent Judge, I will apply precedents established by the Appeals Chamber unless there are very specific reasons not to. Decisions and judgements should always

be based on thorough application of the law to the facts. To enhance transparency of the judicial process it is important that the legal findings and the basis of these are clearly set out in the Court's decisions. If a finding departs from precedents established by the Appeals Chamber, consequently this and the legal reasoning behind should be clearly stated and anchored in relevant sources of law or practice etc.

5. Do you consider that a Judge or a Chamber of the Court, in order to ensure efficiency, should be allowed to implement innovative procedural practices? If yes, please give examples.

First and foremost, Judges are bound by the legal framework of the Court, and any procedural innovations in the name of efficiency must be in line with that legal framework.

The ICC Judges have developed guidelines for various stages of proceedings in the Chambers Practice Manual. Following the Manual – though not a binding legal source – is important for the purpose of ensuring consistency, predictability, and transparency both across Chambers and within the same Chamber.

In my view, any other innovative procedural practices should not be implemented unless thoroughly discussed with the other Judges as not to create different practices across Chambers. Any innovative procedural practice should also be considered in light of securing the fairness of proceedings balancing both the rights of the accused and the rights of victims and witnesses.

6. How do you envisage working with a hybrid criminal procedure, different from the one you experienced in your national functions? How do you envisage your working relationship with other Judges from different backgrounds and from different legal systems?

As President of The Danish Association of Judges and active in both the European and International Association of Judges, I have experience in working with judges from different backgrounds and different legal systems.

I will approach the work at the Court and fellow Judges and staff as I already work with my national and international colleagues in a spirit of openness, respect, and curiosity. I will strive to learn from others and seek common ground and consensus in deliberations using the differences to strengthen the quality of the work of the Court. In my experience, such legal dialogue can lead to a consensus, which ultimately strengthens the legal findings and precedents and its standing outside the Court.

7. Are you used to working as part of a team? How would you deal with a disagreement in relation to a certain aspect of a decision? What are your views in relation to writing separate concurring and dissenting opinions?

Yes, I have worked as part of a team for many years and in different roles during my career, both nationally and internationally. As a high court judge, I work as part of a team on a daily basis.

Dissenting and separate opinions are a hallmark of judicial independence.

Pursuant to article 74 (3) of the Rome Statute the Judges shall attempt to achieve unanimity in their decision, failing which the decision shall be taken by a majority of the Judges.

I believe in the teamwork of a court and the importance of collegiality, and as a Nordic Judge, I come from a background where Judges – through respectful and open deliberations – strive for consensus as a way to enhance and refine the quality of the decisions and build strong legal precedents.

Especially, when it comes to separate concurring opinions I believe that such separate opinions should only be written when absolutely necessary and if possible, depending of the nature of the reasoning, should be included in the majority decision. This principle is also mentioned in The Chambers Practice Manual.

As further stated in the Chambers Practice Manual (VI) (A), any decision to issue dissenting and separate opinions should be considered only once every effort to arrive at consensus, through deliberations, has been exhausted, and dissenting and separate opinions should always be written using respectful language and in a spirit of collegiality.

It further follows that preparing a dissenting or separate opinion, Judges should be cognisant of, inter alia, the long and short-term interests of the Court and the effect on its credibility; the importance of judicial coherence and how an opinion may be perceived by the parties and participants, the legal community, academia and civil society.

I agree with those guidelines and will adhere to them if elected.

8. Have you considered the risk of being subject to sanctions imposed by one or more States due to the exercise of your judicial functions?

Yes, I have thought thoroughly about this scenario and I am preparing for it. I also spoke to some of the sanctioned judges about the consequences and real costs these sanctions entail. As a Judge for many years and as President of The Danish Association of Judges, I believe in the rule of law and in my integrity as a Judge. I believe in the fight against impunity.

The risk of sanctions is a risk I am both willing and prepared to take.

D. Workload of the Court

1. Are you prepared and available to serve at the commencement and for the duration of your term, if elected and if called to work at the Court full-time?

Yes, I am.

2. Work as a Judge of the ICC frequently involves many hours a day, including into the evenings and over some weekends. Holidays can only be taken at fixed periods during the year when, for instance, there are no hearings. Are you prepared for that?

Yes, I am.

3. The Court has two working languages. What is your opinion about this matter? How could multilingual challenges be better addressed by International Criminal Court judges ?

Rule 41 of the Rules of Procedure and Evidence provides the legal basis for the Presidency to authorize the use of an official language of the Court as a working language, inter alia, when it considers that this would facilitate the efficiency of the proceedings. This should in particular be the case when a language is understood and spoken by the majority of those involved in a case before the Court.

As an outsider it is difficult to judge the existence and impact of multilingual challenges at the Court. I do agree with the need to increase the efficiency of the Court and to explore all relevant avenues, including the question of working language. I note, however, that the Independent Expert Review pointed to the already existing bias towards English as working language and the repercussions this might have in a setting where the Court also has to deal with a number of situation countries that are francophone (see IER, p. 76 and recommendations 99 and 100). I would therefore want to learn more about the existing practices of the ICC before taking a decision on how to handle the question of working language in practice.

4. What is your approach to writing decisions? Will you undertake this work yourself? To what extent would you delegate drafting to assistants or interns?

I believe it is the duty of any independent Judge to write his or her own decisions. As a Judge for more than 11 years, I either write my own decisions or as part of a chamber participate in the writing of decisions and drafting of judgments.

As stated in the Annex Guidelines for ICC Judgment Drafting to the Chambers Practice Manual, it is the primary responsibility of the Judges assigned to the trial to produce the reasoned judgment required by Article 74, and the drafting of the judgment should at all stages be based on the decisions of the trial Judges as communicated to staff through directions and instructions.

As also stated, while individual Judges may be assisted by assigned legal officers, these officers should always function as part of the team and not operate independently. It furthermore follows that the Judges of the Trial Chamber must guide and direct the preparation of the judgment throughout the proceedings and that regular direction and input from the Judges in the drafting as the case advances is essential. The Presiding Judge of the Chamber has a particular responsibility in this regard to ensure that procedures are in place for the Judges to discuss and deliberate and communicate the positions of the Judges to the staff.

I agree with these guidelines and I believe in the importance of the teamwork of a court. In my experience as a Judge for many years, what characterizes an efficient and competent (Presiding) Judge is a blend of legal mastery, administrative leadership, and personal temperament; key traits both with regard to management and courtroom conduct.

5. Which are, in your view, the decisions that could and should be issued by a Single Judge in order to expedite proceedings?

Article 39 (2) (b) (iii) and Rule 7 regulate decisions that may be issued by a Single Judge. Article 57 (2) (a) regulates which decisions must be issued by the full (Pre-Trial) Chamber and refers to the Rules that at the pre-trial stage designate further functions that must be exercised by the full Chamber as opposed to a Single Judge.

I am aware that the Court has been designating a Single Judge for a range of decisions, particularly at the pre-trial stage, including decisions on requests for redactions, decisions relating to victim participation, procedural rights of victims at the pre-trial stage of the case, and issues concerning common legal representation. As stated in the report of the Independent Expert Review, The Experts were of the view that this practice should be continued, thus freeing up other members of the Chamber for other duties.

Rule 132 *bis* states that in exercising its authority under article 64, paragraph 3 (a), a Trial Chamber may designate one or more of its members for the purposes of ensuring the preparation of the trial. It follows that the Judge shall take all necessary preparatory measures in order to facilitate the fair and expeditious conduct of the trial proceedings, in consultation with the Trial Chamber. The functions of the Judge may be performed in relation to preparatory issues, whether or not they arise before or after the commencement of the trial. Rule 132 *bis* (5) (a-g) point out several such preparatory issues, such as ensuring proper disclosure between the parties, ordering protective measures where necessary, dealing with applications by victims for participation in the trial, scheduling matters (with the exception of setting the date of the trial), and dealing with any other preparatory matters that must be resolved which do not otherwise fall within the exclusive competence of the Trial Chamber.

Pursuant to rule 132 *bis* (6), the Judge shall not render decisions which significantly affect the rights of the accused or which touch upon the central legal and factual issues in the case, nor shall he or she, subject to sub-rule 5, make decisions that affect the substantive rights of victims.

I agree with those rules and practices, and as a Judge for more than 11 years I have worked and work under similar rules. As a Permanent Deputy Presiding Judge at The Eastern High Court of Denmark, I am designated a Single Judge in many cases, and – together with the Permanent Presiding Judge of my chamber – I am responsible for the preparation of larger criminal trials at the High Court.

6. Are you used to working under pressure from States, governmental authorities, national or international organizations, the media or the wider public? Can you provide an example?

I am used to working under pressure from mainly politicians, the media and the wider public. I have been assigned as Presiding Judge and Deputy Presiding Judge in a number of high stake criminal cases with a lot of attention from politicians, the media and thus the wider public, e.g. in cases involving organized and gang-related crimes, including cases involving expulsion orders.

7. Are you in a health condition allowing you to work under pressure, given the Court's heavy workload?

Yes, I am.

E. Deontology

1. What is your definition and understanding of an independent Judge?

Judicial independence is a pre-requisite for safeguarding the rule of law and the fundamental guarantee of a fair trial. Judicial independence is ultimately a means to an end of judicial impartiality, meaning that a Judge acts without favoritism and has no personal bias or prejudice towards the parties involved.

An independent Judge should only base his or her decisions on the facts of the case and the applicable legal framework.

As outlined above in my answers to questions C, 1 and 2, and as stated in the ICC Code of Judicial Ethics, Judges shall be impartial and ensure the appearance of impartiality in the discharge of their judicial functions. Judges shall avoid any conflict of interest, or being placed in a situation which might reasonably be perceived as giving rise to a conflict of interest. Judges shall not engage in any extra-judicial activity that is incompatible with their judicial function or the efficient and timely functioning of the Court, or that may affect or may reasonably appear to affect their independence or impartiality.

The Ethical Principles for International Criminal Judges similarly state that International Criminal Judges shall be independent and impartial and shall ensure the appearance of independence and impartiality in the discharge of their judicial functions. Accordingly, International Criminal Judges shall avoid any activity which is likely to interfere with their judicial functions or cast a doubt on their independence and impartiality. They shall avoid any situation of conflict of interest, which includes being placed in a situation which might reasonably be perceived as giving rise to a conflict of interest.

As a Judge for more than 11 years and as President of the Danish Association of Judges, I adhere to and defend those fundamental principles every day.

2. In your view, what would constitute a conflict of interest for a Judge?

I can refer to my answers to questions C and E, 1.

As outlined above, a conflict of interest is any situation that might reasonably be perceived as giving rise to a conflict of interest, and criminal Judges shall avoid any activity which is likely to interfere with their judicial functions or cast a doubt on their independence and impartiality.

3. Should considerations relating to race, colour, gender or religion be taken into account when assessing a candidate's suitability to be a judge at the ICC? Why?

Pursuant to article 36 (8) (a) of the Rome Statute, the States Parties shall, in selection of judges, take into account the need for the representation of the legal systems of the world; equitable geographical representation, and a fair representation of female and male judges.

Gender is thus a mandatory consideration. Considerations of race, colour or religion are not mentioned in the legal framework of the Court with regard to the election of Judges and should therefore not be taken into account.

4. What measures and decisions would you take, if you are elected, to ensure the effective participation by victims in the proceedings?

As one of the key differences to the ad hoc tribunals established by the UN Security Council, the Rome Statute gives victims agency and rights, and as a Judge I will apply those rules conscientiously bearing in mind the intention behind those rules and the relevant case-law and drawing on my experience as a Judge.

I have heard many cases where victims and their testimony have been central.

With regard to the protection of the victims and their participation in the proceedings, article 68 (1) of the Statute directs the Court to take appropriate measures to protect the safety, physical and psychological well-being, dignity and privacy of victims and witnesses. Article 68 (3) allows for the Court to permit the views and concerns of the victims to be presented and considered at the appropriate stages of the proceedings and in a manner that is not prejudicial to or inconsistent with the rights of the accused and a fair and impartial trial.

The Rules of Procedure and Evidence also set out important rules for the rights of victims, including rule 88 on special measures, rule 89 (1) on application for participation of victims in the proceedings, which may include making opening or closing statements, rule 91 (3) on questioning a witness, and rule 93 on a Chamber seeking the views of victims or their legal representatives.

I also take note of the general principle in rule 86 that a Chamber in making any direction or order, and other organs of the Court in performing their functions under the Statute or the Rules, shall take into account the needs of all victims and witnesses in accordance with article 68, in particular, children, elderly persons, persons with disabilities and victims of sexual or gender violence.

As noted in the report of the Internal Expert Review, the rules on victims participation is a “novel participatory regime” that leaves considerable scope for judicial flexibility. This regime is intended to give victims a meaningful role with substantial impact, but always ensuring that the implementation does not result in an unfair trial.

5. In reaching a decision, how would you approach the need to balance the rights of an accused person and the rights of victims, which are both protected by the ICC’s legal texts?

As a Judge for many years, I carefully balance the rights of an accused person and the rights of victims on a daily basis. This balance must be guided by the fundamental principles of a fair and expeditious trial, including the presumption of innocence, and the right of the accused to confront evidence and present evidence. These fundamental principles are also enshrined in the Rome Statute, article 66, on the presumption of innocence, and article 67 on the rights of the accused.

As outlined above in my answer to question 4, article 68 (1) of the Statute on the protection of the victims and their participation in the proceedings directs the Court to take appropriate measures to protect the safety, physical and psychological well-being, dignity and privacy of victims and witnesses. Article 68 (3) allows for the Court to permit the views and concerns of the victims to be presented and considered at the appropriate stages of the proceedings and in a manner that is not prejudicial to or inconsistent with the rights of the accused and a fair and impartial trial.

The Rules of Procedure and Evidence also set out important rules for the rights of victims, including rule 88 on special measures, rule 89 (1) on application for participation of victims in the proceedings, which may include making opening or closing statements, and rule 93 on a Chamber seeing the views of victims or their legal representatives.

I would be guided by these rules and by the jurisprudence of the Court and also draw upon my many years of professional experience in this regard.

6. How do you see possibilities and limits of use of AI in the work of the Court? Do you have any experience in using AI in your work?

Digital technology has fundamentally reshaped the conduct of judicial proceedings and digital technology can strengthen efficiency of courts.

The Danish Courts in 2025 adopted a strategy for the use of artificial intelligence (AI) based on the vision of using artificial intelligence as a tool to strengthen the quality, efficiency, and uniformity of the courts' work, bearing in mind the professionalism and independence of the courts. As President of the Danish Association of Judges, I was part of that process and the discussions that took place.

In my view, it is the professionalism and integrity of the employees that form the foundation for the high level of trust in any court. In an increasingly complex and digitalized reality, it is essential that courts' employees have access to modern and effective tools.

The use of generative AI however also entails several significant risks with regard to security and of a legal and ethical nature which it is crucial to consider.

As a starting point, the following ethical considerations and questions in relation to the use of AI in courts should be in my opinion be considered:

- Does AI challenge the free assessment of evidence and hide or obscure that assessment?
- How to distinguish false from true evidence?
- How is real transparency of the proceedings ensured?
- Will a support tool become part of the reasoning and result of the judgment?
- Ensuring the validity – and thus the credibility – of input data and as a result the validity and credibility of output data;
- The risk of bias in algorithms.

In 2018, the European Commission for the Efficiency of Justice adopted an Ethical Charter on the use of AI. The Charter states five basic principles that in my opinion

is crucial when using AI. These principles are the principle of respect of fundamental rights, the principle of non-discrimination, the principle of quality and security, the principle of transparency, impartiality and fairness, and the principle of “under user control”.

Based on my experience, I see three areas where AI technology might be used:

- 1) As general productivity tools, including AI assistants that can help with information search and document summarization;
- 2) Specialized chatbots and process support implementations that are designed to support specific work processes with access to relevant professional systems;
- 3) Speech-to-text technology: These tools will, among other things, be able to reduce the time spent in preparing meeting minutes and testimony, e.g. in the form of transcription or combined with a summary function.

In light of the rapid development of AI, it is very important that Judges reflect on how to deal with AI and how they secure judicial oversight. As stated in the thematic report of 2025 by the Special Rapporteur on Independence of Judges and Lawyers, to preserve judicial independence, Judges must be the ones assessing and deciding on the adoption of any innovation that might affect their decisions, and Judges must therefore have access to training on AI, its promises and pitfalls, and the ability to confer with technologists, lawyers and the public about which AI systems, if any, they embrace.

Finding the right balance between on the one hand using the obvious benefits of AI and on the other hand securing judicial independence in a time where digital technology constantly and very rapidly develops is vital to safeguard the independence of Judges.

F. Additional information

1. Do you have any other nationality, other than the one indicated in your nomination, or have you ever requested another nationality?

No, I do not have any other nationality, and I have never requested any other nationality.

2. Have you familiarized yourself with the conditions of service (which include the remuneration and the pensions' scheme) for the Judges of the Court? Are you aware of, and do you accept, the Terms and Conditions of work?

Yes, I have familiarized myself with the conditions of service and I accept the terms and conditions of work.

3. Is there any other information which should be brought to the attention of the Committee and which might call into question your eligibility for judicial office?

No.

G. Disclosure to the public

1. You have the option to make your answers to this questionnaire public. What is your preference in this regard?

In the spirit of transparency and in line with my goal of increasing communications with the Court's stakeholders I choose to make my answers to this questionnaire public.

Questionnaire completed 23 June 2026 in Copenhagen, Denmark

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